

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHARLES DAVIS,)	CASE NO. 5:06 CV 402
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
v.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
SANDRA WOOLF, et al.,)	
)	
Defendants.)	

On February 22, 2006, plaintiff pro se Charles Davis (prisoner #408-411), an inmate at the Belmont Correctional Institution in St. Clairsville, Ohio, filed this 42 U.S.C. § 1983 action against six defendants, asserting "wrongful imprisonment." On March 24, 2006, plaintiff filed a request to proceed in forma pauperis. For the reasons stated below, this action is dismissed.

The Prison Litigation Reform Act of 1995, Pub. L. No. 104-40, § 1(a), 110 Stat. 1327 (1996) amended 28 U.S.C. § 1915. Among the changes to the statute is a provision which prevents a prisoner from bringing a civil action or appealing a judgment in a civil action in forma pauperis if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief

may be granted. 28 U.S.C. § 1915(g).

Davis has on at least three occasions filed a civil action failing to state a claim in this court. See, Davis v. APA Parole Board, 5:03 CV 1466; Davis v. Judge Judith Hunter, No. 5:03 CV 1465; Davis v. Murphy, No. 1:03 CV 1189. Thus, as the complaint in the instant action does not contain allegations suggesting he is in imminent danger of serious physical injury, plaintiff may not proceed in forma pauperis. See Mitchell v. Tennessee, No. 03-5816, 2004 WL 193153 at *1 (6th Cir. Jan. 30, 2004).

Accordingly, this action is dismissed without prejudice. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

April 20, 2006

S/John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE